

GOVERNMENT OF PONDICHERRY

ABSTRACT

Revenue - Formation of Committees to issue caste/community certificate to Scheduled Castes and Other Backward Classes - Orders - Reg.

DEPARTMENT OF REVENUE AND DISASTER MANAGEMENT

G.O.Ms.No.152

Pondicherry, the 24.11.2005

- Read: 1. G.O.Ms.No.10 dated 05.03.2003 of the Revenue Department, Pondicherry.
2. I.D.No.11404/C2/Rev/2001(P.F) dt.10.11.2005 of the Department of Revenue and Disaster Management, Pondicherry.

ORDER:

The Tahsildar/Dy.Tahsildar of Taluk/Sub-Taluk Offices, Union Territory of Pondicherry have been issuing caste and community certificates to needy persons for various purposes. In order to avoid getting caste/community certificates repeatedly for different purposes, the Department of Revenue and Disaster Management, Pondicherry have also been issuing Permanent Caste/Community Certificate through digital network.

2. Various Associations/individuals have represented to the Government that due to lack of proper material evidences they are facing difficulties in getting SC certificate(Origin) from Taluk/Sub-Taluk offices. To alleviate such hardships, the Revenue Department had already issued instructions vide Memorandum No.9565/C2/Rev/2000 dated 10.11.2000 to the certificate issuing authorities to issue caste certificate by conducting discreet enquiry. In order to further strengthen the scope of enquiry and to facilitate the applicants for getting the caste/community certificate by avoiding false claim and in supersession of the committee already constituted vide G.O. first read above, a Village Level Committee is constituted.

3. The composition and functions of the village level committee may be as follows:-

1.	Tahsildar/Deputy Tahsildar	Chairman
2.	Revenue Inspector of the concerned Firka	Member
3.	Village Administrative Officer	Member
4.	Welfare Inspector (Adi-Dravidar Welfare Dept.)	Member.
5.	Village Elders (Four Members) (More than 50 years of age and who ordinarily reside in the same village for more than 50 years.) - At least one among them should be a Government servant of a minimum Group 'D' status. Of the 4 members there should be 3 S.C person with origin status, and one non-SC member.	Member

...2/-

4. The tenure of the non-official members of the committee will be for a period of three years and the Non Official Members will be selected by the Collector of the District concerned. The Members of the Committee will be replaced by the Collector as and when the need arises and without prejudice to the composition as stated in para 3 above.
5. The membership of the Committee is purely honorary and no remuneration, TA or DA will be eligible for any member.
6. The Village Level Committee is only the recommending body for the issue of certificates. Only such cases which could not be decided on merits in the usual procedures adopted by the authorities need be referred to the committee. The affected person also may apply to the Chairman of the Village Level Committee for redressal. Unanimous recommendation made by the Village Level Committee is binding on the certificate issuing authorities for the grant of caste/community certificate. If the Tahsildar of Taluk Office or Deputy Tahsildar of Sub-Taluk Office as the case may be, is not satisfied on the recommendations of the Village Level Committee, he shall refuse to issue the caste/community certificate with the reasons recorded in the file/reference/report and a speaking order to be served on the affected applicant.
7. The order of the Tahsildar or Deputy Tahsildar shall be appealable to the Deputy Collector(Revenue) and his decision will be based on the factual position and enquiry.
8. If there is no unanimous decision of the Committee, then the opinion of the majority members shall be taken into account vis-à-vis the actual facts of the applicant in relation to the existing Orders/Rules by the Committee.
9. The following procedure shall be adopted to apply to the Village Level Committee.
 - (a) The application for grant of caste/community certificate shall be made to the Tahsildar/Deputy Tahsildar of Taluk/Sub-Taluk Office, as the case may be.
 - (b) The parent, guardian or the applicant, as the case may be, shall file an affidavit duly sworn and attested by any Gazetted Officer or non-Gazetted Officer or village elders with particulars of castes and sub-castes, the place from which he originally hails from
 - (c) Application for grant of the caste/community certificate by the village level committee shall be filed at least two months in advance before seeking admission into educational institution or for appointment to a post.

- (d) After receipt of the application, and after giving acknowledgement to the applicant, the application alongwith enclosures may be forwarded to the Village Administrative Officer through Revenue Inspector. The VAO shall enquire in detail and submit the report by collecting available genuine evidences to the RI. The RI may verify the report of VAO and submit the report with his recommendations to the Tahsildar/Dy. Tahsildar. Simultaneously, a copy of the application will be referred to the Welfare Inspector, Adi-Dravidar Welfare Department, Pondicherry for his separate enquiry.
- (e) The Tahsildar/Dy. Tahsildar, will convene the meeting of the Committee once in a fortnight and clear the applications received from the particular village with its recommendations.
- (f) The Chairman of the Village Level Committee shall maintain all records of the enquiry, registers and other documents in a proper manner.
- (g) The minutes of the village committee is to be written by the VAO and it shall be signed by all the members of the Committee with each of their views thereon. The minutes may be sent to the Tahsildar/Deputy Tahsildar as the case may be. for taking appropriate decision.

10. Regarding the cancellation of caste/community certificates (SC, OBC and MBC) the District Magistrate shall cancel the caste/community certificate in consultation with the Members of District Committee and also by giving reasonable opportunity to the affected applicant/parent/guardian. Any Authority lower than the rank of District Magistrate is not competent to cancel the certificate. For the purpose of cancellation of the certificate, the District Committee is constituted with the following composition:-

1	District Magistrate	Chairman
2	Director, Adi-Dravidar Welfare Department, Pondicherry. (in respect of S.C. certificates) Director, Social Welfare Department, Pondicherry. (in respect of OBC certificates)	Member
3.	Superintendent of Police(Vigilance)	Member.
4.	Head of Department or any Professor of Anthropology Department, Pondicherry University, Pondicherry.	Member
5.	Any two of the Non-Official, selected by the existing Members.	Member
6.	Special Officer, Office of the Additional Secretary(Revenue), Pondicherry in the cases of Pondicherry District or Dy. Collector(Rev), Karaikal in respect of Karaikal District.	Member Secretary

11. Whenever any difficulties arise in the implementation and conduct of enquiry by the Committee, the Collector is empowered to decide course of actions and such decision shall be final.

12. As regards the cancellation of caste or community certificate, the following procedure shall be adopted.

- (a). The District Magistrate may also constitute a vigilance cell consisting of Superintendent of Police and Police Inspector of Vigilance and Anti-Corruption Unit to verify the genuineness of any caste/community certificate and the social status claimed by the applicant/parent/guardian. The Vigilance Inspector should personally verify and collect all the facts of the social status claimed by the applicant or the parent or guardian, as the case may be. He should examine the school records, birth registration certificate, if any. He should also examine the parent, guardian or the applicant in relation to their caste etc. or such other persons who have knowledge of the social status of the candidate and then submit a report to the District Magistrate together with all particulars, as envisaged, particularly anthropological and ethnological traits, deity, rituals, customs, mode of marriage, death ceremonies, method of burial of dead bodies, etc. by the concerned castes or communities etc.
- (b). The District Magistrate, on receipt of the report from the vigilance Inspector, if he finds that the claim for such caste/community to be "not genuine" or "doubtful" or falsely or wrongly claimed, the District Magistrate who is the Chairman of District Committee shall issue show cause notice supplying a copy of the report of the vigilance Inspector to the candidate by registered post with acknowledgment due, through the head of the concerned educational institution or office in which the applicant is studying or employed. The notice should indicate that the representation or reply, if any, would be made within two weeks from the date of the receipt of the notice and in no case on request not more than 30 days from the date of the receipt of the notice. In case, the applicant seeks for an opportunity of hearing and claims an inquiry to be made in that behalf, the District Magistrate on receipt of such representation/reply shall convene the committee and the District Magistrate as Chairman shall give reasonable opportunity to the applicant/parent/guardian to adduce all evidence in support of their claim. A public notice or any other convenient mode may be published in the village or locality and if any person or Association opposes such a claim, an opportunity to adduce evidence may be given to him/it. After giving such opportunity either in person or through counsel, the Committee may make such inquiry as it deems expedient and consider the claims vis-à-vis the objections raised by the applicant or opponent and pass an appropriate order with brief reasons in support thereof.
- (c). In case the report is in favour of the applicant and found to be genuine and true, no further action need be taken.
- (d). Notice contemplated in para 12(b) should be issued to the parents/guardian also in case the applicant is a minor, to appear before the Committee with all evidences in his or their support of the claim for the social status certificates.

(e). The inquiry should be completed as expeditiously as possible preferably by day-to-day proceedings within such period not exceeding two months. If after inquiry, the District Committee finds the claim to be false, they should pass an order cancelling the certificate issued and confiscate the same. It should be communicated within one month from the date of the conclusion of the proceedings about the result of enquiry to the parent/guardian and the applicant with a copy to the District Collector.

(f). In case of any delay in finalizing the proceedings, and in the meanwhile the last date for admission into an educational institution or appointment to an office or post, is getting expired, the candidate may be admitted by the Principal or such other authority competent in that behalf or appointed on the basis of the caste/community certificate already issued or an affidavit duly sworn by the parent/guardian/applicant before the competent officer or non-official and such admission or appointment should be only provisional, subject to the result of the inquiry by the District Committee.

11. The order passed by the District Magistrate shall be appealable in the High Court at Madras.

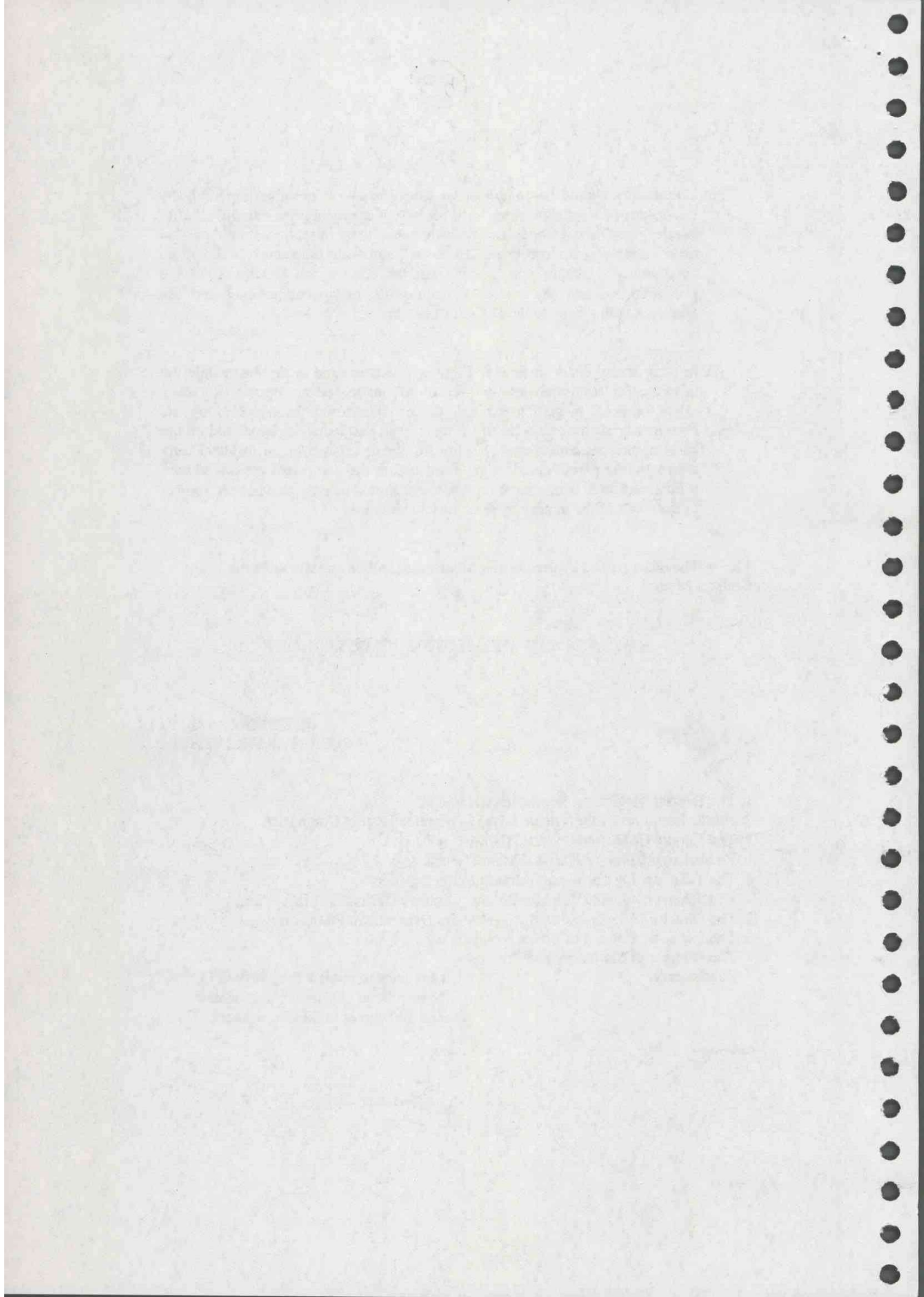
// BY ORDER OF THE LIEUTENANT GOVERNOR //

(S. KUMARASAMY)
SECRETARY(REVENUE)

To

1. The District Magistrate, Pondicherry/Karaikal.
2. All the Members of the Village Level Committee/District Committee.
3. The Deputy Collector(Revenue) (North/South),
Pondicherry/Villianur/Karaikal/Mahe/Yanam.
4. The Tahsildar/Dy. Tahsildar, Taluk/Sub-Taluk Office,
Pondicherry/Oulgaret/Villianur/Bahour/Karaikal/Thirunallar/Mahe/Yanam.
5. The Director, Adi-Dravidar /Social Welfare Department, Pondicherry.
6. The Inspector General of Police, Pondicherry.
7. The Director of Stationery and Printing,
Pondicherry.

.... with a request to publish the above G.O.
in the next issue of Official Gazette and
to send 100 copies to this Department.



GOVERNMENT OF PUDUCHERRY
ABSTRACT

Revenue - Formation of Committees to cancel caste/community certificate – Orders – Reg.

DEPARTMENT OF REVENUE AND DISASTER MANAGEMENT

G.O.Ms.No. 15

Puducherry, the 15th June, 2015

- Read: 1. G.O.Ms.No.152 dated 24.11.2005 of the Department of Revenue and Disaster Management, Puducherry.
2. Order dated 19.01.2015 in W.P.No.30955/2014 of the Hon'ble High Court of Judicature at Madras.

ORDER:

The G.O. first cited empowers the District Magistrate to cancel the caste / community certificates (SC, OBC and MBC) in consultation with the members of the District Committee.

2. The residents of the Union territory of Puducherry who have migrated from other States / UTs and settled down in this Union territory are issued caste certificates by the Revenue authorities based on the previous certificates issued by the authorities of the States / UTs from which they have migrated. Any certificate issued based on false representation or any certificate issued by oversight needs to be cancelled when it is learnt that the certificate has been erroneously issued.

3. But the words "(SC, OBC and MBC)" in para 10 of the said G.O restrains the District Magistrate from cancelling a ST certificate which has been issued based on a certificate obtained fraudulently. The Hon'ble High Court while allowing the Writ petition second cited, had observed that 'the respondents are at liberty to deal with the subject of cancellation of ST certificates if any such power is conferred on the competent authority to act, in accordance with law'.

4. The Hon'ble Supreme Court of India in its order dated 09.08.1996 in the case of Indian Bank Vs Satyam Fibres India Pvt. Ltd. held that, the Administrative authorities have inherent powers to recall or revoke their own orders if such order was obtained by playing fraud on such public authority. As a necessary corollary if some thing is done by public authority at the behest of a person who played fraud, the same public authority can nullify that was done as vitiated by fraud. Under Section 21 of General Clauses Act, 1897 (Central Act No. X of 1897), an authority who has power to issue, inter alia, orders has also power to rescind such order.

5. Therefore, para 10 of G.O.Ms. No.152 dated 24.11.2005 cited above is amended as hereunder:

"10. Regarding the cancellation of Scheduled Caste / Scheduled Tribe and all other caste/community certificates, the District Magistrate shall cancel the caste/community certificate

in consultation with the Members of District Committee and also by giving reasonable opportunity to the affected applicant/parent/guardian. Any Authority lower than the rank of District Magistrate is not competent to cancel the certificate. For the purpose of cancellation of the certificate, the District Committee is constituted with the following composition:-

1	District Magistrate, Puducherry/Karaikal	Chairman
2	Director, Adi-Dravidar Welfare Department, Puducherry. (in respect of S.C/ <u>ST</u> . certificates) Director, Social Welfare Department, Puducherry. (in respect of <u>all other caste/community</u> certificates other than SC/ST Certificate)	Member
3.	Superintendent of Police(Vigilance)	Member.
4.	Head of Department or any Professor of Anthropology Department, Puducherry University, Puducherry.	Member
5.	Any two Non-Official members, selected by the existing Members.	Member
6.	Special Officer, Office of the Special/Additional Secretary(Revenue), Puducherry in respect of Puducherry District comprising of Puducherry, Mahe and Yanam regions / Deputy Collector(Revenue), Karaikal in respect of Karaikal District.	Member- Secretary

6. All other procedures/instructions contained in the G.O. first cited remain the same.

// BY ORDER OF THE LIEUTENANT - GOVERNOR //


(Dr. V. CANDAVELOU, I.A.S.,)
COMMISSIONER-cum-SECRETARY (REVENUE)

To

1. The District Magistrate, Puducherry/Karaikal.
2. All the Members of the Village Level Committee/District Committee.
3. The Deputy Collector(Revenue) (North/South),
Puducherry/Villianur/Karaikal/Mahe/Yanam.
4. The Tahsildar/Dy.Tahsildar, Taluk/Sub-Taluk Office,
Puducherry/Oulgaret/Villianur/Bahour/Karaikal/Thirunallar/Mahe/Yanam.
5. The Director, Adi-Dravidar /Social Welfare Department, Puducherry.
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